

III. REMARKS

1. Claims 1, 20, 29, 39 and 49 are amended. Claims 1, 20-36 and 39-72 are pending in this Application.

2. A telephone interview with the Examiner was held on January 25, 2006 during which interview the Examiner suggested language to clarify the claims. These suggestions have been incorporated into the amendments made to claims 1, 20, 29, 39 and 49. Also, during the interview, it was established that Lietchi et al., U.S. Patent 5,715,164 ("Lietchi") and Herring, U.S. Patent 6,064,992 both require prepayment of postage funds by the user of the meter and are limited in the amount of postage that can be franked.

3. Claims 1, 20, 39 and 49 are amended to overcome the 35 U.S.C. 112, second paragraph, rejection.

2. Claims 1, 20, 22, 26-35, 39, 41-45, 47-49, 51 and 55-71 are patentable under 35 U.S.C. 103(a) over Liechti et al., U.S. Patent 5,715,164 ("Liechti") in view of Herring, U.S. Patent 6,064,992. Claim 1 recites, the memory includes only a non-resettable ascending register and no descending register. Claim 1 further recites a settlement center adapted to receive a request for funds transfer from the data center based on the at least one record and to arrange for a transfer of corresponding user funds from a user account to a postal authority account, and to notify said data center that the transfer had been made and that there is no prepayment of postage funds by the user and the user is billed based on the value indicative of the consumption of postal resources provided by the memory.

The Examiner notes that Liechti does not disclose or suggest the meter memory having only an ascending register and no descending

register as claimed by Applicant. Further, claim 1 has been amended to recite a non-resettable ascending register.

Herring discloses a postage meter that includes a memory (15, 16) (Col. 2, L. 6-25). The memory in Herring includes an ascending credit register (30) (Fig. 2) to store an accumulated value of credit (Col. 2, L. 32-33). Another ascending register is disclosed and referred to as the "tote register" (31), for storing an accumulated total value of postage charge dispensed by the postage meter in franking mail items (Col. 2, L. 26-45; Col. 3, L. 52-54). Additional credit may be entered into the postage meter by the postal authority or by an authorized entity (Col. 3, L. 21-39).

The ascending credit register of Herring is not a non-resettable ascending register as claimed by Applicant. The ascending credit register of Herring in combination with the ascending tote register essentially perform the function of the traditional descending register, thus the ascending register of Herring has to be reset to replenish the amount of user funds stored in the meter for dispensing postage (Col. 3, L. 20-39).

The meters in both Herring and Liechti store values of postage credit not to be exceeded that are replenished or reset in traditional ways (See, Herring at Col. 3, L. 20-39 and Col. 4, L. 10-17; See, Liechti at Col. 5, L. 22-33). Therefore, claim 1 is patentable over the combination of Lietchi and Herring because neither reference discloses the memory includes only a non-resettable ascending register and no descending register as recited in Applicant's claim 1.

Furthermore, Lietchi and Herring, individually or in combination, fail to disclose or suggest a settlement center adapted to

receive a request for funds transfer from the data center based on the at least one record and to arrange for a transfer of corresponding user funds from a user account to a postal authority account, and to notify said data center that the transfer had been made. Lietchi and Herring also fail to disclose or suggest that there is no prepayment of postage funds by the user and the user is billed based on the value indicative of the consumption of postal resources provided by the memory.

In Lietchi, the user causes the meter to initiate a TMS transaction with computer 103 to reset the amount of user postage funds stored within the meter (Col. 6, L. 44 - Col. 7, L. 23). Even though, as the Examiner pointed out during the telephone interview held on January 25, 2006, Lietchi provides for a "postpayment scheme" where the meter user is billed for the reset amount, there are still user funds stored in the meter as evidenced by the resetting or replenishing of funds stored within the meter via the TMS transactions. This is not the same as "there is no prepayment of postage funds by the user" recited in claim 1. Even with the postpayment scheme the user in Lietchi is still prepaying for funds that have not been used at the time the user submits payment under the postpayment scheme. In addition, nowhere does Lietchi disclose a transfer of corresponding user funds from a user account to a postal authority account, and to notify said data center that the transfer had been made.

In Herring, additional credit (i.e. postage funds) may be entered into the postage meter by the postal authority or an entity authorised by and acting on behalf of the postal authority. The postage meter may be taken to a credit resetting office where secure access is made to the registers of the postage meter to read the contents of the registers and then to add additional credit in the ascending credit register so as to register an

accumulated total value of credit incremented, over the previous accumulated total value of credit. Again, this is not the same as "there is no prepayment of postage funds by the user" recited in claim 1. Because credit is entered into the meter of Herring there is an amount of postage stored within the meter and thus a prepayment of postage funds by the user. In addition, nowhere does Herring disclose a transfer of corresponding user funds from a user account to a postal authority account, and to notify said data center that the transfer had been made.

Independent claims 20, 29, 39 and 49 are patentable over the combination of Liechti and Herring for reasons similar to those above. Claims 22, 26-28, 30-35, 41-45, 47, 48, 51 and 55-71 are patentable by reason of their respective dependencies.

3. Claims 21, 23-25, 36, 46, 50 and 52-54 are patentable under 35 U.S.C. 103(a) over Liechti in view of Herring and in further view of Verma et al., U.S. Patent 4,833,618 ("Verma").

For the reasons discussed above the combination of Liechti and Herring fail to disclose or suggest the features of independent claims 1, 20, 29, 39 and 49 from which claims 21, 23-25, 36, 46, 50 and 52-54 depend. Thus, the combination of Liechti, Herring and Verma cannot as well. Claims 21, 23-25, 36, 46, 50 and 52-54 are patentable over of Liechti, Herring and Verma by reason of their respective dependencies.

4. Claim 40 is patentable under 35 U.S.C. 103(a) over Liechti in view of Herring and in further view of Alder et al., U.S. Patent 4,069,675 ("Alder").

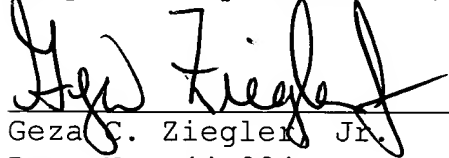
For the reasons discussed above the combination of Liechti and Herring fail to disclose or suggest the features of independent

claim 39 from which claim 40 depends. Thus, the combination of Liechti, Herring and Alder cannot as well. Claim 40 is patentable over of Liechti, Herring and Alder by reason of its respective dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$790 is enclosed for the RCE fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


Geza C. Ziegler Jr.
Reg. No. 44,004

8 FEB 2004
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800 Ext. 134
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: Feb. 8, 2000

Signature: Mayhew Baye
Person Making Deposit